

## REMARKS

Claims 1-25 remain in the application for further prosecution. Claims 1, 8, and 17 have been amended. Claims 24 and 25 have been added. Submitted herewith is a clean set of the pending claims. The Applicant gratefully acknowledges the allowance of claims 14-16 and 18-23.

### Information Disclosure Statement

The Applicant notes that the Examiner did not initial and return the Form PTO-1449 which was submitted with the Information Disclosure Statement on July 10, 2001. The Applicant requests that the Examiner review the cited references and return the initialed Form PTO-1449.

### § 112 Rejection

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 8 has now been amended to more clearly define the present invention. Specifically, claim 8 has been amended to recite that the hinged platforms are moveable to an open position, which is angled away from the inside of the container. The Applicant believes that this amendment overcomes this rejection. The applicant respectfully submits that the open position is shown in FIG. 6 of the present application and not in FIG. 1 as remarked in the office action.

### § 102 Rejections

Claims 1, 5, 7, 8, 10, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,053,098 to Baptist ("Baptist"). Baptist discloses a container having two top panels 50 formed at crease lines 60 and 90. Claims 1 and 17 have been amended to include the minor interior wall flaps and to more clearly identify the location of the hinge relative to these minor interior wall flaps. Claims 1 and 17 now recite that four minor interior wall flaps are included in the container and are foldingly attached to the side walls, extend perpendicularly to the bottom, and are parallel to the end walls. The claims further recite that the hinge is offset from the top of the minor interior wall flaps, as is shown in FIG. 6. Baptist does not teach a container having minor interior wall flaps, nor does it teach a hinge that is offset from the minor interior wall flaps. Thus, claims 1 and 17 are now believed to be allowable over Baptist and action toward that end is earnestly solicited.

Claims 5, 7, and 8 are believed to be allowable for at least the same reasons as claim 1, from which they depend.

Claim 10 was also rejected under Baptist. The container of Baptist is comprised of a body wrap and separate end wall pieces. The body wrap includes a bottom wall and two outwardly extending sidewalls. In contrast, claim 10 recites a blank for forming a container, the container having a bottom wall, two side walls extending from the bottom wall, and two end walls extending from the bottom wall. Unlike Baptist, the invention claimed in claim 10 is a single blank having these features. Baptist requires multiple blanks used in combination. Thus, claim 10 is believed to also be allowable over Baptist.

Claims 1, 2, 6, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,450,035 to De Mian ("De Mian"). De Mian discloses a container having end wall panels 19 and 21, side wall panels 11, and platform structures formed by panels 13, 15, and 17. As stated above, claims 1 and 17 have been amended to include minor interior wall flaps, with a hinge offset from top of the minor interior wall flaps. De Mian does not disclose a hinge that is offset from the top of minor interior wall flaps. The hinges 18 of De Mian are located at the top of the side wall panels 11. Because the hinge 18 of De Mian is not offset from the top of minor interior wall flaps, claims 1 and 17 are believed to be allowable over DeMian.

Claims 2 and 6 believed to be in condition for allowance for at least the same reasons as claim 1, from which they depend.

Claims 1 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,111,254 to Thyen ("Thyen") or U.S. Patent No. 4,645,122 to Nederveld ("Nederveld"). Thyen discloses a dual depth bottle carrier having an elongated hinge line 26. The hinge line 26 is disposed along the top of the side wall panel 24. Thyen does not disclose minor interior wall flaps as now recited in claims 1 and 17. Thus, claims 1 and 17 are believed to be allowable over Thyen.

Nederveld discloses a container having joiner panels with foldlines 20, side panels 17, and end sections 12. There is no disclosure of minor interior wall flaps that extend upwardly from a bottom wall parallel to the end walls. Thus, it is believed that amended claims 1 and 17 are not anticipated by Nederveld.

Claims 1-5, 7-9, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,973,424 to Glass ("Glass"). Glass discloses a multiple compartment box that has covers (e and d, h and i, or l and m). The covers include hinge lines, such as the one

at 83. Glass, however, does not disclose minor interior wall flaps that extend upwardly from the bottom panel and parallel to the end panels, nor are the hinge lines of Glass offset from the minor interior wall flaps. Claims 1-5, 7-9, and 12 are believed to be in condition for allowance.

### **§ 103 Rejection**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,942,770 to Eichorn ("Eichorn") in view of U.S. Patent No. 3,669,341 to Hughes ("Hughes"). Eichorn discloses a carton having a central cover panel 70 formed by bending the carton at score lines 88 or 89. Side flaps 66 and 68 extend upwardly from the bottom wall 26. The hinge lines 88, 89, however, when used as hinges, are not offset from any minor interior wall flaps. Rather, the hinge lines are aligned with the tops of interior flaps to allow the container of Eichorn to open and close, as shown in FIGS. 4 and 5 and FIG. 9 of Eichorn. Hughes discloses a dispenser for continuous business forms. The dispenser includes a bottom panel 10, double-paneled end walls 11 and side walls 12. A pair of cover flaps 15 are attached along the free edges of the side walls 12 along fold lines 27. Hughes does not disclose minor interior flaps that extend upwardly from the bottom wall and parallel to the side walls 12. Thus, there is no teaching in either Hughes or Eichorn to have a hinge that is offset from interior flaps. The references, even when combined, still fail to disclose or suggest such a feature, as there is no indication in either Hughes or Eichorn that a hinge could be offset from an interior minor flap. Thus, claim 1 is believed to be nonobvious over these two references.

### **Allowable Subject Matter**

Claims 11 and 13 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 11 and 13 are dependent on claim 10, a claim now believed to be allowable, for the reasons stated above with reference to Baptist. Thus, claims 11 and 13 are also believed to be allowable for at least the same reasons as claim 10.

In addition, claims 24 and 25 directed to blanks incorporating features of the present invention have been added, and are both believed to be in condition for allowance.

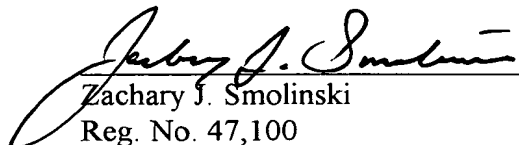
### **Conclusion**

It is the Applicant's belief that all of the claims are now in condition for allowance and action toward that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. A check for the extension fee of \$110 for reply within the first month is enclosed. No other fees are believed due. The Commissioner is authorized to charge any additional fees which may be required (except payment of the issue fee) to JENKENS & GILCHRIST, P.C. Deposit Account No. 10-0447(47099-00079).

Respectfully submitted,

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